

ATTACHMENT 1



PATENT

Customer Number: 22,852

Attorney Docket No. 08702.0018-08000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Simon JONES et al.) Group Art Unit: 1644
)
Application No.: 10/612,668) Examiner: Szperka, Michael Edward
)
Filed: July 1, 2003) Confirmation No. 3471
)
For: ANTIBODIES TO CALCIUM)
INDEPENDENT CYTOSOLIC)
PHOSPHOLIPASE A₂/B ENZYMES)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DEPOSIT DECLARATION

I, M. Andrea Ryan, do hereby declare:

1. GENETICS INSTITUTE, L.L.C., is the assignee of the entire right, title, and interest in the patent application identified above by virtue of assignments from the inventors and Genetics Institute, Inc., recorded in parent Application No. 08/281,193, filed July 27, 1994, now U.S. Patent No. 5,466,595, and recorded in the U.S. Patent and Trademark Office at Reel 007409, Frame 0623, and Reel 012937, Frame 0815.

2. On information and belief, *Escherichia coli* DH10B strain, 19A and *Escherichia coli* DH10B strain, 19B were deposited under the provisions of the Budapest Treaty at the American Type Culture Collection (A.T.C.C.) at 12301 Parklawn Drive, Rockville, MD 20852 on November 7, 1995, and assigned the deposit designation numbers 69948 and 69949.

3. A deposit receipt, International Form: Receipt in the Case of an Original Deposit Issued Pursuant to Rule 7.3 and Viability Statement Issued Pursuant to Rule 10.2 from the A.T.C.C. dated November 10, 1995, is attached to this declaration and relates to the 69948 and 69949 deposits.

4. On information and belief, the A.T.C.C. has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of the Patent Procedure.

5. On information and belief, the A.T.C.C. is a depository affording permanence to the deposit and ready accessibility thereto by the public if a patent is granted.

6. On information and belief, the material has been deposited under conditions that ensure that access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.801-1.809.

7. On information and belief, the deposited material will be stored with all care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the deposited microorganism, and in any case at least thirty (30) years after the date of a deposit or for the enforceable life of the patent, whichever is longer.

8. I acknowledge Genetics Institute's duty to replace the deposited culture should the depository be unable to furnish a sample when requested due to the condition of the deposit

during the period that extends thirty (30) years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

9. I acknowledge that Genetics Institute will irrevocably remove all restrictions imposed on the availability to the public of A.T.C.C. 69948 and A.T.C.C. 69949 upon the granting of the patent, except that Genetics Institute reserves the right to contract with A.T.C.C. or another depository to require that samples of A.T.C.C. 69948 and A.T.C.C. 69949 be furnished only if a request for a sample, during the term of the patent, (1) is in writing or other tangible form and dated; (2) contains the name and address of the requesting party and the accession number of the deposit; and (3) is communicated in writing by A.T.C.C. or another depository to Genetics Institute along with the date on which the sample was furnished and the name and address of the party to whom the sample was furnished.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title of 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11. The undersigned is authorized to sign on behalf of assignee, Genetics Institute.

Signed this day 13 day of September, 2005.

Signed: M. Andrea Ryan

M. Andrea Ryan

Title: Assistant Secretary